

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

Scott Clickner,)	Case No. 1:22-cv-101
)	
Plaintiff,)	
v.)	Defendant's Notice of Removal
)	
Prairie Farms Dairy, Inc.,)	
)	
Defendant.)	
)	

COMES NOW Defendant Prairie Farms Dairy, Inc., a cooperative association with capital stock formed under and existing under the laws of the State of Illinois with its principal place of business in Edwardsville, Illinois, and removes the above-captioned civil action from the Iowa District Court in and for Clayton County, Case No. LACV011036, to the United States District Court for the Northern District of Iowa, Eastern Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Federal Rule of Civil Procedure 81, and Local Rule 81.

As grounds for removal, Defendant states as follows:

1. Plaintiff Scott Clickner filed his Petition and Jury Demand on August 5, 2022, in the Iowa District Court for Clayton County. In his Petition, Plaintiff alleges Defendant engaged in disability and age discrimination in violation of Iowa Code Chapter 216.
2. Service of the summons and complaint on Defendant occurred effective on August 10, 2022.
3. No further proceedings in the Iowa District Court for Clayton County have occurred in this action.

4. Pursuant to 28 U.S.C. § 1446(b) and *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999), Defendant has timely removed this action because this Notice of Removal is filed within 30 days after personal service of the summons and complaint.

5. As required by Local Rule 81(a)(4), Defendant states that for purposes of removal of this action from state court, this is an action where the amount in controversy for Plaintiff's claim exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states.

6. At the time this action commenced, Plaintiff was and currently remains a citizen and resident of the State of Iowa, Clayton County.

7. At the time this action commenced, and as currently remains true, Defendant is a special act corporation with an incorporation date of June 3, 1971 incorporated pursuant to and in good standing under the laws of the State of Illinois with its principal place of business in Edwardsville, Illinois.

8. Thus, because complete diversity of the parties exists and the amount in controversy exceeds \$75,000, 28 U.S.C. § 1332(a) vests this Court with original jurisdiction over this action and authorizes removal to this Court pursuant to § 1441(a).

9. Based upon the allegations in Plaintiff's Petition, the correct venue for removal of this action is to the United States District Court for the Northern District of Iowa, Eastern Division because it is the "district and division embracing the place where such action is pending." *See* 28 U.S.C. § 1441(a).

10. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders provided to Defendant in this action are attached as Exhibit "A" and by this reference incorporated here.

11. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Iowa District Court for Clayton County and is being served on all adverse parties.

WHEREFORE, Defendant gives notice that the above-entitled action is removed from the Iowa District Court in and for Clayton County.

Dated: September 9, 2022.

FAEGRE DRINKER BIDDLE & REATH LLP

/s/ Susan P. Elgin
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ATTORNEYS FOR DEFENDANT

Certificate of Service

The undersigned certifies that a true copy of **Defendant's Notice of Removal** was served upon one of the attorneys of record for each party to the above-entitled cause through the Court's CM/ECF electronic filing system to each such attorney at her last known e-mail address as shown below on September 9, 2022.

/s/ Trisha Richey

Original filed;
Copy to:

Erin M. Tucker
erintucker@tuckerlaw.net

Attorney for Plaintiff